

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 35/MP/2018

Subject : Petition under Section 79(1) (f) of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 seeking refund of PoC charges for 260 MW in Eastern Region granted under the Bulk Power Transmission Agreement dated 1.7.2016.

Date of Hearing : 5.4.2018

Coram : Shri P.K. Pujari, Chairperson
Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : GMR Kamalanga Energy Limited

Respondent : Power Grid Corporation of India Limited

Parties present : Shri Matrugupta Mishra, Advocate, GMR
Shri Shourya Malhotra, Advocate, GMR
Ms. Suparna Srivastava, Advocate, PGCIL
Ms. Sanjna Dua, Advocate, PGCIL
Shri V. Srinivas, PGCIL
Ms. Jyoti Prasad, PGCIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present petition has been filed *inter-alia* for seeking direction to PGCIL to refund or adjust with future LTA bills, the LTA charges paid by the Petitioner under protest for the period from 9.7.2017 to 2.8.2017. Learned counsel for the Petitioner further submitted that the Petitioner cannot be held liable to pay the LTA charges for the period from 9.7.2017 to 1.8.2017 on account of the fact that the power of the Petitioner was scheduled under STOA and not LTA and as such the Petitioner has already made payment of the STOA charges as availed by the Petitioner. Learned counsel for the Petitioner further submitted that the Petitioner could not avail the LTA till 2.8.2017 due to failure on part of CTU to coordinate with ERLDC and ERPC with respect to the operationalization of the LTA of the Petitioner.

2. Learned counsel for PGCIL accepted the notice on behalf of PGCIL and requested for four weeks time to file its reply to the Petition. Learned counsel for PGCIL submitted that the Petitioner has not opened the revolving LC as per the Regulations. Learned counsel for PGCIL further submitted that the Petitioner should have approached and coordinated with ERLDC regarding the operationalization of LTA. Learned counsel for PGCIL submitted that ERLDC shall be made party to the Petition as it is a necessary party.

3. After hearing the learned counsels for the Petitioner and PGCIL, the Commission admitted the Petition and directed to issue notice to the Respondents.

4. The Commission directed the Petitioner to implead ERLDC as party to the petition and to file revised memo of parties.

5. The Commission directed the Petitioner to serve the copy of the Petition and the RoP on ERLDC immediately. The Commission directed the Respondent including ERLDC to file their replies, by 4.5.2018, with an advance copy to the Petitioner, who may file its rejoinder, if any, by 31.5.2018. The Commission directed that due date of filing the replies and rejoinder should be strictly complied with. No extension shall be granted on that account.

6. The Petition shall be listed for hearing on 12.6.2018.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Law)**